

# PROCEEDINGS of CONVENTION.

1776.

3. That the inhabitants of Maryland are entitled to the common law of England, and the trial by jury according to the course of that law, and to the benefit of such of the English statutes as existed at the time of their first emigration, and which by experience have been found applicable to their local and other circumstances, and of such others as have been since made in England or Great-Britain, and have been introduced, used, and practised by the courts of law or equity; and also to all acts of assembly in force on the first of June seventeen hundred and seventy-four, except such as may have since expired, or have been, or may be altered by acts of convention, or this declaration of rights; subject nevertheless to the revision of, and amendment or repeal by, the legislature of this state; and the inhabitants of Maryland are also entitled to all property derived to them from or under the charter granted by his majesty Charles the first, to Cæcilius Calvert, baron of Baltimore.
4. That all persons intrusted with the legislative or executive powers of government, are the trustees and servants of the public, and as such accountable for their conduct, wherefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought, to reform the old, or establish a new government; the doctrine of nonresistance against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.
5. That the right in the people to participate in the legislature is the best security of liberty, and the foundation of all free government; for this purpose elections ought to be free and frequent, and every man having property in, a common interest with, and an attachment to, the community, ought to have a right of suffrage.
6. That the legislative, executive, and judicial powers of government, ought to be for ever separate and distinct from each other.
7. That no power of suspending laws, or the execution of laws, unless derived from the legislature, ought to be exercised or allowed.
8. That freedom of speech, and debates or proceedings, in the legislature, ought not to be impeached in any other court or judicature.
9. That a place for the meeting of the legislature ought to be fixed, the most convenient to the members thereof, and to the depository of the public records, and the legislature ought not to be convened or held at any other place but from evident necessity.
10. That for the redress of grievances, and for amending, strengthening and preserving, the laws, the legislature ought to be frequently convened.
11. That every man hath a right to petition the legislature for the redress of grievances, in a peaceable and orderly manner.
12. That no aid, charge, tax, burthen, fee or fees, ought to be set, rated or levied, under any pretence, without the consent of the legislature.
13. That the levying taxes by the poll is grievous and oppressive, and ought to be abolished; that paupers, whose estates do not exceed thirty pounds currency value, ought not to be assessed for the support of government, but every other person in the state ought to contribute his proportion of public taxes for the support of government according to his actual worth in real or personal property within this state; yet fines, duties or taxes, may properly and justly be imposed or laid with a political view for the good government and benefit of the community.
14. That sanguinary laws ought to be avoided, as far as is consistent with the safety of the state; and no law to inflict cruel and unusual pains and penalties ought to be made, in any case, or at any time hereafter.
15. That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore no *ex post facto* law ought to be made.
16. That no law to attain particular persons of treason or felony, ought to be made in any case, or at any time hereafter.
17. That every freeman, for every injury done to him in his goods, lands or person, ought to have remedy by the course of the law of the land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the law of the land.
18. That the trial of facts where they arise, is one of the greatest securities of the lives, liberties, and estate of the people.
19. That in all criminal prosecutions, every man hath a right to be informed of the accusation against him, to have a copy of the indictment or charge in due time (if required) to prepare for his defence, to be allowed council, to be confronted with the witnesses against him, to have process for his witnesses, to examine the witnesses for and against him on oath, and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.
20. That no man ought to be compelled to give evidence against himself in a court of common law, or in any other court, but in such cases only as have been usually practised in this state.
21. That no freeman ought to be taken or imprisoned, or dis seized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the lawful judgment of his peers, or by the law of the land.
22. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted by the courts of law.
23. That all warrants without oath, or affirmation of a person conscientiously scrupulous of taking an oath, to search suspected places, or to seize any person, or his property, are grievous and oppressive; and all general warrants to search suspected places, or to apprehend all persons suspected, without naming or describing the place, or any person in special, are illegal, and ought not to be granted.
24. That there ought to be no forfeiture of any part of the estate of any person for any crime except murder, or treason against the state, and then only on conviction and attainder.
25. That a well regulated militia is the proper and natural defence of a free government.
26. That standing armies are dangerous to liberty, and ought not to be raised or kept up without consent of the legislature.
27. That in all cases and at all times the military ought to be under strict subordination to, and control of, the civil power.
28. That no soldier ought to be quartered in any house in time of peace without the consent of the owner, and in time of war in such manner only as the legislature shall direct.
29. That no person except regular soldiers, mariners and marines, in the service of this state, or militia when in actual service, ought in any case to be subject to, or punishable by, martial law.
30. That